

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Leroy K Smalls, II,

Petitioner

v.

Warden of Kirkland Correctional Institution,

Respondent

Civil Action No. 9:16-cv-00639-JMC

SUMMARY JUDGMENT IN A CIVIL ACTION

The Court has ordered that (*check one*):

☐ the plaintiff (*name*) _____ recover from the defendant (*name*) _____ the amount of _____ dollars (\$ _____), which includes prejudgment interest at the rate of _____ %, plus postjudgment interest at the rate of _____ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____ recover costs from the plaintiff (*name*) _____ .

☒ other: The Report and Recommendations of Magistrate Judge Bristow Marchant is accepted. Summary Judgment is entered for the Respondent and this case is dismissed with prejudice. Certificate of appealability is denied. The Petitioner shall take nothing on his petition filed pursuant to Title 28 U.S.C. 2254.

This action was (*check one*):

☐ tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

☐ tried by Judge _____ without a jury and the above decision was reached.

☒ Decided by: Honorable J. Michelle Childs, United States District Judge, on a Motion for Summary Judgment.

Date: March 07, 2017

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CLERK OF COURT

Chondra S. White

Signature of Clerk or Deputy Clerk